



BEST AVAILABLE COPY

Attorney Docket No. 24218

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: 1653

ZENNER et al.

Examiner: A. Gupta

Serial No. 09/530,693

Filed: July 3, 2000

Title: **APPLICATION OF VASOPRESSIN ANTAGONISTS FOR TREATING
DISTURBANCES OR ILLNESSES OF THE INNER EAR**

STATUS REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submitted a Response to an outstanding Restriction Requirement on September 21, 2001 as shown in the attached. The Examiner's attention is kindly directed to the Certificate of Mailing on page 2 of the Response. Please also note that a Petition for Revival of Application was filed on November 12, 2003 and the Petition was granted on November 25, 2003. To date, no communication has been received from the office indicating action on the merits has been taken. The undersigned attorney requests that status of the application and of the estimated date when a first Office Action on the merits may be mailed.

Respectfully submitted,

NATH & ASSOCIATES PLLC

By: 

Gary M. Nath
Registration No. 26,965
Tanya E. Harkins
Registration No. 52,993
Customer No. 20529

Date: December 9, 2004
NATH & ASSOCIATES' PLLC
1030 15th Street, NW - 6th Floor
Washington, D.C. 20005 GMN/TEH/ng:status.request



IPW

Attorney Docket No. 24218

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: 1653

ZENNER et al.

Examiner: A. Gupta

Serial No. 09/530,693

Filed: July 3, 2000

Title: **APPLICATION OF VASOPRESSIN ANTAGONISTS FOR TREATING
DISTURBANCES OR ILLNESSES OF THE INNER EAR**

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter
- (2) Copy of Petition for Revival of Application filed November 12, 2003 with stamped filing receipt;
- (3) Copy of Response to Restriction Requirement mailed September 21, 2001 including a Certificate of Mailing;
- (4) Status Request.

Respectfully submitted,

NATH & ASSOCIATES PLLC

By: 

Gary M. Nath
Registration No. 26,965
Tanya E. Harkins
Registration No. 52,993
Customer No. 20529

Date: December 9, 2004
NATH & ASSOCIATES PLLC
1030 15th Street, NW - 6th Floor
Washington, D.C. 20005
GMN/TEH/ng:status.request.trans



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MS PETITION

FILING RECEIPT

Attorney Docket No.: 24218

Date: November 12, 2003

Attorney: GMN/JLM

Inventor: Hans Peter ZENNER, et al.

Serial No.: 09/530,693

Group Art Unit: 1653

Filed: July 3, 2000

Examiner: A. GUPTA

Title: APPLICATION OF VASOPRESSIN ANTAGONISTS FOR TREATING
DISTURBANCES OR ILLNESSES OF THE INNER EAR

DOCUMENTS BEING FILED:

THE PTO STAMP HEREON ACKNOWLEDGES RECEIPT OF:

- (1) Transmittal Letter;
- (2) Petition for Revival of Application under 37 CFR 1.137(b);
- (3) Check No. 19618 for \$ 665.00 for Petition Fee;
- (4) Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- (5) Copy of the Sequence Listing in CRF (computer readable form);
- (6) Copy of the Sequence Listing in paper form;
- (7) Statement that the paper and CFR copies are the same;
- (8) Copy of German insolvency proceeding documents;
- (9) English Translation of German insolvency proceeding documents;
- (10) Petition for a 5-month Extension of Time;
- (11) Check No. 19739 for \$ 1005.00 for the Extension of Time.

NATH & ASSOCIATES PLLC
1030 15th Street, N.W., 6th Floor
Washington, D.C. 20005
(202)-775-8383

FILE CHECK

Prepared by:

SNF

Approved by:

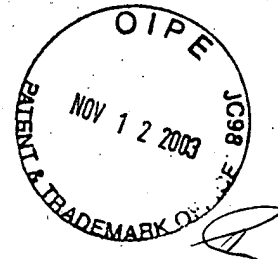
[Signature]

Copy reviewed:

SNF

Filed by:

GMN/JLM/jnr:Assig.CorrectiveCov.FR



NATH & ASSOCIATES, PLLC

PATENT & TRADEMARK ACCOUNT

DATE : Oct 17/2003

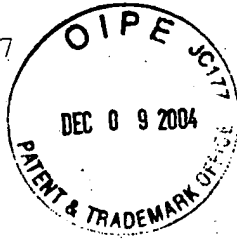
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AMOUNT: \$665.00

ACCOUNT: GENERAL - 27

PAID TO: COP & TM

19618



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26

Patent Office Fee Serial No. 09/530,693

CLIENT: 1065 - Ruff, Wilhelm, Beier, Dauster & Partner
MATTER: 24218

19618

19618

NATH & ASSOCIATES, PLLC

PATENT & TRADEMARK ACCOUNT

1030 FIFTEENTH STREET NW, SIXTH FLOOR
WASHINGTON DC 20005

M & T BANK

NYC COMMERCIAL BANKING

MANUFACTURERS AND TRADERS TRUST COMPANY

7-11-520

\$665.00

Oct 17/2003

DATE

AMOUNT

Six Hundred Sixty Five

00/100

PAY TO THE ORDER OF
COP & TM

VOID AFTER 90 DAYS

Patent Office Fee Serial No. 09/530,693

019618 0520001131

19161189

NATH & ASSOCIATES, PLLC

PATENT & TRADEMARK ACCOUNT

DATE : Nov 10/2003

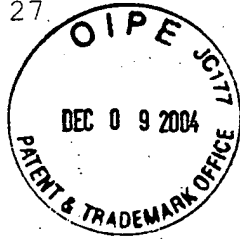
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ACCOUNT: GENERAL - 27

PAID TO: COP & TM

19739



BEST AVAILABLE COPY

26

Patent Office Fee Serial No. 09/530,693

CLIENT: 1065 - Ruff, Wilhelm, Beier, Dauster & Partner
MATTER: 24218

19739

19739

NATH & ASSOCIATES, PLLC

PATENT & TRADEMARK ACCOUNT

1030 FIFTEENTH STREET NW SIXTH FLOOR
WASHINGTON DC 20005

M & T BANK

NYC COMMERCIAL BANKING

MANUFACTURERS AND TRADERS TRUST COMPANY

7-11-520

\$1,005.00

Nov 10/2003

DATE

AMOUNT

One Thousand Five

00/100

PAY COP & TM

TO THE
ORDER
OF

VOID AFTER 90 DAYS

Patent Office Fee Serial No. 09/530,693

⑈019739⑈ ⑆052000113⑆

19161189⑈



This mailer is lined with anti-static foam for strength and protection.

FLOPPY DISK/CD MAILER • DO NOT FOLD OR BEND

PULL TO OPEN →

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↓ FOLD ON SCORE ↓

Floppy Disk/CD Mailer

FIRST CLASS MAIL

Serial No.: 09/530,693 Docket: 24218

In re Application of:

Hans Peter ZENNER, et al.

Title: Application of Vasopressin
Antagonists for Treating Disturbance
or Illnesses of the Inner Ear.

Date Recorded: 10/17/03, MS-Windows

DO NOT BEND OR FOLD
AVOID EXPOSURE TO ALL MAGNETIC FIELDS



Attorney Docket No.: 24218
Serial No.: 09/530,693

MS PETITIONS
OMB 0651-0031

Attorney Docket No. 24218

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named Inventor:
Hans Peter ZENNER, et al.

Application No.: 09/530,693

Group Art Unit: 1653

Filed: July 3, 2000

Examiner: A. GUPTA

Title: APPLICATION OF VASOPRESSIN ANTAGONISTS FOR TREATING
DISTURBANCES OR ILLNESSES OF THE INNER EAR

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Attn: Office of Petitions
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to timely response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed December 4, 2001 by the United States Patent and Trademark Office. The date of abandonment is the day after the one-month expiration date of the period set for reply in the notice.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER
37 CFR 1.137(b) AND SUBMITS THE FOLLOWING:

1. Petition Fee

X Small Entity Fee \$ 665.00 (37 CFR 1.17(m)).
Applicant claims small entity status.

 Other than small entity - fee \$ (37 CFR
1.17(m)).

2. Reply and/or Fee

A. The reply and/or fee to the above-noted Office
Action in the form of a Notice to Comply with
Requirements for Patent Applications Containing
Nucleotide Sequence and/or Amino Acid Sequence
Disclosures:

 has been filed previously on .

X is enclosed herewith.

B. The Issue Fee of \$ _____:

_____ has been paid previously on _____.

_____ is enclosed herewith.

3. Terminal Disclaimer with Disclaimer Fee

X Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

_____ A terminal disclaimer (and disclaimer fee under 37 CFR 1.20(d) of \$ _____ for a small entity or \$ _____ for other than a small entity disclaiming a period equivalent to the period of abandonment is enclosed herewith.

4. Petition for Expedited Services is requested for Revival of Application under 37 CFR 1.137(b) with \$ 130.00 Fee:

_____ in enclosed herewith

_____ to be debited from account 14-0112.

Applicants assert that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The inventors, also referred to as the applicants, of the subject matter as disclosed in the above application (i.e. vasopressin antagonist for treating illnesses of the inner ear) filed July 3, 2000, Hans Peter ZENNER, J. Peter RUPPERSBERG, and Hubert LOEWENHEIM, in good faith assigned their rights to Otogene Aktiengesellschaft, a corporation of Germany in May of 2000.

On August 24, 2001 a Restriction Requirement was mailed to the U.S. attorney of record on behalf of Otogene Aktiengesellschaft requesting Otogene Aktiengesellschaft to elect either Group I, drawn to a composition and a method for treating disturbances or illnesses of an inner ear using a peptide that functions as a vasopressin receptor antagonist (Emphasis omitted), or Group II, drawn to a method for treating disturbances or illnesses of an inner ear using a non-peptide organic substance such as a benzazepine derivative or an indole derivative that functions as a vasopressin receptor antagonist (Emphasis omitted).

On September 21, 2001, a timely and fully responsive response to the Restriction Requirement was mailed traversing the Examiners imposition of a Restriction Requirement under 35 U.S.C. 121 and 372 and elected the claims directed to Group II.

On December 4, 2001 a Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures was mailed to the U.S. attorney of record on behalf of Otogene Aktiengesellschaft with a one-month time for response, with extensions of time available under 37 CFR 1.136(a) for a reply up to June 4, 2002. The notice requested Otogene Aktiengesellschaft to submit a computer readable form (CRF) and paper copy of the Sequence Listings in the above captioned application. The notice also required that a statement that computer readable form copy and paper copy are the same and includes no new matter.

On December 18, 2001 Otogene Aktiengesellschaft filed for insolvency, with the proceedings for insolvency being opened on April 2, 2002 and the court appointing a trustee in bankruptcy on April 3, 2002.

Between December 18, 2001, after Otogene Aktiengesellschaft filed for insolvency, and April 3, 2002 when a trustee was finally appointed by the court in the insolvency proceedings, Otogene Aktiengesellschaft was not in a position to reply to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures since Otogene Aktiengesellschaft was awaiting the appointment of the trustee, who was charged with overseeing the company's operations.

After the court for the insolvency proceedings appointed the trustee, the trustee was unable to act on behalf of the inventors by court mandate since the creditors would not allow funds to be expended on the company's behalf. Thus, the trustee was not authorized to allow a response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures to be filed at the United States Patent and Trademark Office.

On August 30, 2002 a Notice of Abandonment was mailed to the U.S. attorney of record on behalf of Otogene Aktiengesellschaft.

On March 17, 2003, one of the inventors, Hubert LOEWENHEIM, purchased the rights to U.S. application serial no. 09/530,693, the current application under petition, during the insolvency proceedings for Otogene Aktiengesellschaft. After taking time to investigate and consider the matter, Mr. LOEWENHEIM has determined that reviving this application is his best course of action.

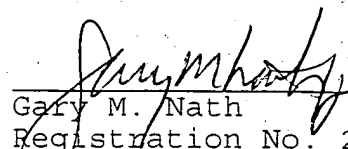
Since neither the inventors, nor Otogene Aktiengesellschaft, could act to preserve the applicants rights for a U.S. Patent for the subject matter contained in U.S. Patent Application Serial No. 09/530,693 during the time prior to Mr. LOEWENHEIM's re-acquisition of rights in the application, applicants respectfully request that the above captioned application be revived under 37 CFR 1.137(b) and forwarded to the appropriate TC for review on its merits.

Should any questions or comments arise in connection with the filing of this petition, Applicant respectfully requests a telephone call to the undersigned attorney at the telephone number shown.

Respectfully submitted,

NATH & ASSOCIATES PLLC

By:


Gary M. Nath
Registration No. 26,965
Jerald L. Meyer
Registration No. 41,194
Customer No. 20529

Date: November 12, 2003
NATH & ASSOCIATES PLLC
1030 15TH Street, N.W. 6th Floor
Washington, D.C. 20005
Tel. 202-775-8383
Fax. 202-775-8396
GMN/JLM/jnr:Petition to Revive



MS PETITION
Attorney Docket No. 24218

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Hans Peter ZENNER, et al.

Application No.: 09/530,693

Group Art Unit: 1653

Filed: July 3, 2000

Examiner: A. GUPTA

Title: APPLICATION OF VASOPRESSIN ANTAGONISTS FOR TREATING
DISTURBANCES OR ILLNESSES OF THE INNER EAR

TRANSMITTAL LETTER

ATTN: OFFICE OF PETITIONS
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark
Office is the following:

- (1) Transmittal Letter;
- (2) Petition for Revival of Application under 37 CFR 1.137(b);
- (3) Check No. 19618 for \$ 665.00 for Petition Fee;
- (4) Copy of Notice to Comply with Requirements for Patent
Applications Containing Nucleotide Sequence and/or Amino
Acid Sequence Disclosures;
- (5) Copy of the Sequence Listing in CRF (computer readable
form);
- (6) Copy of the Sequence Listing in paper form;
- (7) Statement that the paper and CRF copies are the same;
- (8) Copy of German insolvency proceeding documents;
- (9) English Translation of German insolvency proceeding
documents;
- (10) Petition for a 5-month Extension of Time;
- (11) Check No. 19739 for \$ 1005.00 for the Extension of Time.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By: 

Gary M. Nath
Registration No. 26,965
Jerald L. Meyer
Registration No. 41,194
Customer No. 20529

Date: November 12, 2003
NATH & ASSOCIATES PLLC
1030th 15th Street, NW - 6th Floor
Washington, D.C. 20005

GMN/JLM/jnr:Assig.CorrectiveCov.trans



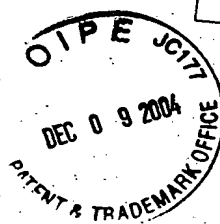
UNITED STATES PATENT AND TRADEMARK OFFICE

DIAG-1-16944

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO. 09/530,693	FILING DATE 07/03/2000	FIRST NAMED INVENTOR HANS PETER ZENNER	ATTORNEY DOCKET NO. 24218	CONFIRMATION NO. 3546
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26389 7590 12/04/2001
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347



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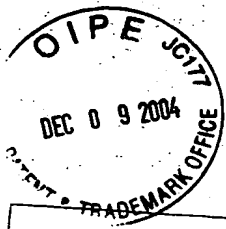
CHRISTENSEN O'CONNOR
JOHNSON KINDNESS PLLC

EXAMINER GUPTA, ANISH	
ART UNIT 1653	PAPER NUMBER

DATE MAILED: 12/04/2001 DOCKETED

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
---------------	-------------	-----------------------	---------------------

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EXAMINER	
ART UNIT	PAPER NUMBER
DATE MAILED:	

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2) (see page 9, experimental section). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anish Gupta whose telephone number is (703) 308-4001. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can normally be reached on (703)308-2923. The fax phone number of this group is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Anish Gupta

Karen Cochran Carlson P.D.

KAREN COCHRANE CARLSON, PH.D.
PRIMARY EXAMINER

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY



MS PETITIONS
Attorney Docket No. 24218

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Hans Peter ZENNER, et. al.

Application No.: 09/530,693

Group Art Unit: 1653

Filed: July 3, 2000

Examiner: A. GUPTA

For: APPLICATION OF VASOPRESSIN ANTAGONISTS FOR TREATING
DISTURBANCES OR ILLNESSES OF THE INNER EAR

SEQUENCE LISTING STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Under 37 CFR 1.821(f) I hereby state that the information recorded in computer readable form is identical to the written on paper form sequence listing submitted herein.

No new matter is included in this submission as required by 37 CFR 1.821(g).

Respectfully submitted,

NATH & ASSOCIATES PLLC

By: 

Gary M. Nath
Registration No. 26,965
Jerald L. Meyer
Registration No. 41,194
Customer No. 20529

Date: November 12, 2003
NATH & ASSOCIATES PLLC
1030 15th Street N.W., 6th Floor
Washington, D.C. 20005
202-775-8383 (Tel.)
202-775-8396 (Fax.)

GMN/JLM/jnr:SequenceListingStatement



SEQUENCE LISTING

<110> Otogene Aktiengesellschaft

<120> Use of vasopressin antagonists

<130> A 34 823 PCT/US

<140> US 09/530,693

<141> 2000-05-04

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BEST AVAILABLE COPY

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24



MS PETITION

Atty Docket: 24218

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hans Peter ZENNER, et al.

Serial No.: 09/530,693

Filed: July 3, 2000

For: APPLICATION OF
VASOPRESSIN ANTAGONISTS FOR
TREATING DISTURBANCES OR
ILLNESSES OF THE INNER EAR

PETITION FOR EXTENSION OF TIME UNDER 37 CFR § 1.136

and

FEE PAYMENT AUTHORIZATION UNDER 37 CFR § 1.17

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SMALL ENTITY

Sir:

Pursuant to 37 CFR §§ 1.17, 1.136, applicant(s), a qualified SMALL ENTITY, hereby petition(s) for an extension of time as follows:

- ☐ One-month extension of time to respond to the Office Action dated _____ (\$55.00 fee)
- ☐ Two-month extension of time to respond to the Office Action dated _____ (\$210.00 fee)
- ☐ Three-month extension of time to respond to the Office Action dated _____ (\$475.00 fee)
- ☐ Four-month extension of time to respond to the Office Action dated _____ (\$740.00 fee)
- ☒ Five-month extension of time to respond to the Office Action dated 12/04/2001 (\$1,005.00 fee)

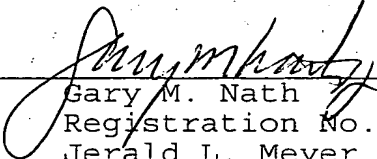
☒ A check including the above-indicated amount is enclosed. If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to allow consideration of papers accompanying this Petition, then such extensions of time are hereby petitioned. The Commissioner is hereby authorized to charge fee deficiency under 37 CFR §§ 1.16 or 1.17, or credit any overpayment, to Deposit Account No. 14-0112.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: November 12, 2003
NATH & ASSOCIATES PLLC
1030 15th Street, NW - 6th Floor
Washington D.C., 20005
(202) 775-8383

By:


Gary M. Nath
Registration No. 26,965
Jerald L. Meyer
Registration No. 41,194
Customer No. 20529

Az.: II 3 IN 300/01



BEST AVAILABLE COPY

Amtsgericht Tübingen

Beschluss

In dem Insolvenzeröffnungsverfahren über das Vermögen der Firma

Otogene Aktiengesellschaft, vertr.d.d. Vorstand Hans-Jörg Bergler,
Vor dem Kreuzberg 17, 72070 Tübingen

Geschäftszweig: Entwicklung, Erforschung und Vermarktung von biotechnologischen
und gentherapeutischen Wirkstoffen

wird wegen drohender Zahlungsunfähigkeit und Überschuldung heute, am 2.4.2002, um
8.00 Uhr das Insolvenzverfahren eröffnet.

Zum Insolvenzverwalter wird ernannt:

Rechtsanwalt Dr. Volker Viniol, Danneckerstr. 52, 70182 Stuttgart

Forderungen der Insolvenzgläubiger (§ 38 InsO) sind bis zum 10.5.2002 unter Beach-
tung des § 174 InsO beim Insolvenzverwalter anzumelden.

Die Gläubiger werden aufgefordert, dem Insolvenzverwalter unverzüglich mitzuteilen,
welche Sicherungsrechte sie an beweglichen Sachen oder an Rechten des Schuldners
in Anspruch nehmen. Der Gegenstand, an dem das Sicherungsrecht beansprucht wird,
die Art und der Entstehungsgrund des Sicherungsrechts sowie die gesicherte Forderung
sind zu bezeichnen. Wer diese Mitteilungen schuldhaft unterläßt oder verzögert, haftet
für den daraus entstehenden Schaden (§ 28 Abs. 2 InsO).

Wer Verpflichtungen gegenüber d. Schuldner hat, wird aufgefordert, nicht mehr an d.
Schuldner, sondern nur noch an d. Insolvenzverwalter zu leisten.

Termin zur Gläubigerversammlung, in der auf Grundlage eines Berichts d. Insolvenzver-
walt. über den Fortgang des Verfahrens beschlossen wird (Berichtstermin).

und Termin zur Prüfung der angemeldeten Forderungen

ist am

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Mittwoch, 12.6.2002, 9.00 Uhr

im Gebäude des Amtsgerichts Tübingen, 72074 Tübingen, Schulberg 14, II. Stock, Saal 208.

Der Termin dient zugleich zur Beschlußfassung der Gläubiger über

- die Person des Insolvenzverwalters,
- den Gläubigerausschuß,
- gegebenenfalls die Zahlung von Unterhalt aus der Insolvenzmasse (§§ 100, 101 InsO)
- gegebenenfalls die Hinterlegung von Wertgegenständen die Verwertung der Insolvenzmasse, Zustimmung zu besonders bedeutsamen Rechtshandlungen des Insolvenzverwalters sowie die Eigenverwaltung (§§ 149, 157, 159 bis 163 Abs. 2, 271 und 272 InsO);
- die Berichterstattung und Rechnungslegung des Insolvenzverwalters (§§ 66, 79 InsO)

Tübingen, 2.4.2002

Müller
Richterin am Amtsgericht



Angefertigt

Herrmann
Justizhauptsekretär

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Amtsgericht Tübingen

Geschäfts-Nr.: 13 IN 300/01

72074 Tübingen, 03.04.2002
Schulberg 14**Bestallungsurkunde**

In dem Insolvenzverfahren über das Vermögen der

Otogene Aktiengesellschaft,
vertr. d.d. Vorstand Hans-Jörg Bergler,
Vor dem Kreuzberg 17, 72070 TübingenIst Herr Rechtsanwalt Dr. Volker Vinlöf,
Danneckerstr. 52, 70182 Stuttgart

zum Insolvenzverwalter bestellt.

Hierüber wird ihm diese Bescheinigung erteilt, die bei Beendigung
des Amtes zurückzugeben ist.Hauer
Rechtspflege

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Municipal Court Tübingen

Decision

In the opening of the insolvency proceedings about the assets of the firm

.Otogene Aktiengesellschaft
represented by the Managing Director Hans-Jörg Bergler,
Vor dem Kreuzberg 17, 72070 Tübingen

Branch of business: Development, investigation and marketing of biotechnological
and gene therapy agents

The insolvency proceedings are opened today, April 2, 2002 at 8 o'clock a.m. due to
impending illiquidity and overextension.

Appointed insolvency administrator:

Attorney at Law Dr. Volker Viniol, Danneckerstraße 52, 70182 Stuttgart

Claims of the insolvency creditors (§ 38 InsO) are to be lodged with the insolvency
administrator up to May 10, 2002 taking into account § 174 InsO.

The creditors are requested to inform the insolvency administrator immediately,
which security interests at movable objects or rights of the debtor they make claims
to. The subject-matter on which the security interest is claimed, the manner and the
ground of origin of the security interest as well as the secured claim is to be
indicated. Anyone who culpably fails or delays in lodging this information is liable
for the resultant loss (§ 28, paragraph 2 InsO).

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Whoever has obligations towards the debtor is requested to no longer settle payments within the debtor, but rather with the insolvency administrator.

The date for the meeting of creditors at which the proceedings process is decided on the basis of a report from the insolvency administrator (reporting date) and the date for reviewing the lodged claims is:

Wednesday, June 12, 2002, 9 o'clock a.m.

in the Municipal Court building, Tübingen, 72074 Tübingen, Schulberg 14, 2nd floor, room 208.

This date also serves for the decision-making of the creditors regarding

- the person of the insolvency administrator,
- the committee of creditors,
- if necessary, subsistence payment out of the legal estate (§§ 100, 101 InsO),
- if necessary, the deposition of articles of value, the utilisation of the legal estate, agreement on particularly significant legal acts of the insolvency administrator as well as the self-administration (§§ 149, 157, 159 to 163 paragraph 2, 271 and 272 InsO),
- the reporting and accounting of the insolvency administrator (§§ 66, 79 InsO).

Tübingen, April 2, 2002

Müller

Judge at the Municipal Court

Engrossed

(Signature)

Herrmann

Judiciary Main Secretary

Municipal Court Tübingen

Reference number: I 3 IN 300/01

72074 Tübingen, April 3, 2002

Schulberg 14

Certificate of Appointment

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In the insolvency proceedings concerning the assets of the

Otogene Aktiengesellschaft,

represented by the Managing Director Hans-Jörg Bergler,

Vor dem Kreuzberg 17, 72070 Tübingen

Attorney at Law Dr. Volker Viniol

Danneckerstraße 52, 70182 Stuttgart

is appointed as insolvency administrator.

In this connection, this certificate is issued to him, which is to be returned at termination of the office.

(Signature)

Hauer

Officer of Justice



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: H.P. Zenner et al. Attorney Docket No.: OTAG116944
Application No.: 09/530,693 Group Art Unit: 1653
Filed: July 3, 2000 Examiner: F. Moezie
Title: APPLICATION OF VASOPRESSIN ANTAGONISTS FOR TREATING
DISTURBANCES OR ILLNESSES OF THE INNER EAR

RESPONSE TO RESTRICTION REQUIREMENT

Seattle, Washington 98101

September 21, 2001

TO THE COMMISSIONER FOR PATENTS:

In response to the Restriction Requirement mailed on August 24, 2001 (Paper No. 8), applicants elect the claims of Group II (Claims 9-13) for initial examination in this application. Election is with traverse, and is without prejudice to the applicants' right to prosecute the non-elected subject matter in a subsequent patent application.

Applicants note that all of the pending claims are directed to methods of treating disturbances or illnesses of an inner ear, and include the step of administering at least one vasopressin receptor antagonist, or mixtures of such antagonists, to a patient in need thereof. In some embodiments, the vasopressin receptor antagonist is a peptide. In some embodiments, the vasopressin receptor antagonist is a non-peptide organic substance. Applicants respectfully submit that the Restriction Requirement is improper because it would not impose an undue

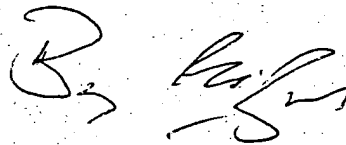
LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

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burden on the Examiner to conduct a search of the claimed invention that includes the use of any vasopressin receptor antagonist, including peptides or non-peptide organic substances.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

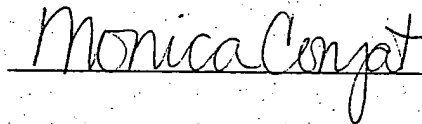


Barry F. McGurl
Registration No. 43,340
Direct Dial No. 206.695.1775

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Patents, Washington, D.C. 20231, on the below date.

Date: September 21, 2001

BFM:mc



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File No.: OTAG-1-16944

Atty/Secy: BFM/mc

Date: 9/21/01

Appln. No.: 09/530,693

Filed: 7/3/00

Applicant(s): H.P. Zenner et al.

Title: APPLICATION OF VASOPRESSIN ANTAGONISTS FOR TREATING
DISTURBANCES OR ILLNESSES OF THE INNER EAR

The following have been received in the U.S. Patent and Trademark Office on the date
stamped hereon via first-class mail, with a signed Certificate of Mailing:

Response to Restriction Requirement (2 pages)